

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARK EDWARDS,

Plaintiff,

-against-

9:08-CV-256 (LEK/RFT)

SGT. BEZIO, C.O. LaPAGE, C.O. LaFEY,
C.O. CARRONS, C.O. REIF, all
individually and in their official capacities,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on February 5, 2010 by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 45). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff Mark Edwards, which were filed on February 19, 2010. Objections (Dkt. No. 46).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 45) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

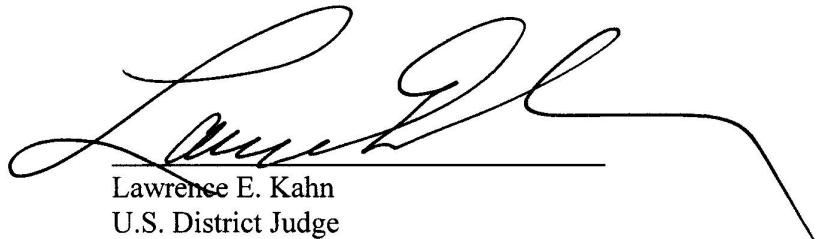
ORDERED, that Defendants' Motion for Partial Summary Judgment (Dkt. No. 36) is **GRANTED** and Plaintiff's claims against LaPage and Bezio are **DISMISSED**; and it is further

ORDERED, that the Plaintiff's claims against LaFey are **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: February 24, 2010
Albany, New York



Lawrence E. Kahn
U.S. District Judge